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*Counsel for the Circuit City Stores, Inc.
Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re:	Chapter 11
CIRCUIT CITY STORES, INC., <u>et al.</u> ,	Case No. 08-35653-KRH
Debtors.	(Jointly Administered)

NOTICE OF SUBSTANTIVE HEARING

**(Liquidating Trust's Fortieth Omnibus Objection to Claim Numbers 12631)
(Claimant – CW Investors 1997 12 by its Receiver CW Capital Asset Management LLC as
Special Servicer For Bank Of America NA)**

PLEASE TAKE NOTICE that Circuit City Stores, Inc. Liquidating Trust (the "Trust"), by counsel, of the above referenced estates of Circuit City Stores, Inc. *et al.* (collectively, the "Debtors") will seek to have the Court (a) if an appropriate mitigation affidavit (the "Affidavit") is provided, reduce and allow claim number 12631 (the "GUC Claim") as a general unsecured claim in the amount of \$1,057,581.17, with all other amounts disallowed, or (b) if the Affidavit is not provided, disallow the GUC Claim in its entirety. The GUC Claim is further identified in the *Liquidating Trustee's Fortieth Omnibus Objection to Claims* (the "Claim Objection") [Docket No. 11851]. The relief sought as identified herein is

based upon information received from you in response to the Claim Objection and/or the Debtors' books and records.

PLEASE TAKE FURTHER NOTICE THAT the Court will hold a hearing and receive evidence on the Claim Objection on **April 5, 2017 at 2:00 p.m.**, (or such time thereafter as the matter may be heard) and the undersigned will appear before The Honorable Kevin R. Huennekens, United States Bankruptcy Judge, in Room 5000, of the United States Courthouse, 701 E. Broad Street Richmond, Virginia 23219.

PLEASE TAKE FURTHER NOTICE THAT the undersigned will present evidence, if necessary, on **April 5, 2017 at 2:00 p.m.**, seeking to have the Court (a) if an Affidavit is provided, reduce and allow the GUC Claim in the amount of \$1,057,581.17, with all other amounts disallowed, or (b) if an Affidavit is not provided, disallow the GUC Claim in its entirety.

PLEASE TAKE FURTHER NOTICE THAT if you do not want the Court to grant the relief described herein, **you must (1) on or before March 31, 2017, file a (A) notice of your intent to attend the hearing and (B) summary of the position you will advocate at the hearing with the Court at:**

Clerk of the Bankruptcy Court
United States Bankruptcy Court
701 East Broad Street - Room 4000
Richmond, Virginia 23219

and (2) attend the hearing on April 5, 2017 at 2:00 p.m.

PLEASE GOVERN YOURSELVES ACCORDINGLY.

Dated: March 14 , 2017

/s/ Paula S. Beran

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Counsel for the Circuit City Stores, Inc.

Liquidating Trust

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing Notice of Substantive Hearing was served on March 14, 2017 via electronic delivery to all of the parties receiving ECF notice in this bankruptcy case and via first-class mail, postage prepaid, on the following:

CW Investors 1997 12 by its Receiver
CW Capital Asset Management LLC as
Special Servicer For Bank Of America NA
c/o David Pollack, Esq.
Ballard Spahr Andrews & Ingersoll LLP
1735 Market St 51st Fl
Philadelphia, PA 19103

/s/ Paula S. Beran

Paula S. Beran (VA Bar No. 34679)